

Docket No. NB-201600
A 17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Ming Fai CHAN, et al.

Serial No.: 09/847,525

Group Art Unit: 1645

Filing Date: May 1, 2001

FAX RECEIVED

For: IMPROVED BETA-LACTAM
ANTIBIOTICS

JUL 28 2003

PETITIONS OFFICE

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71Commissioner for Patents
Washington, D.C. 20231

Sir:

NewBiotics Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Attorney	Registration No.	Attorney	Registration No.
David Beck	37,776	John W. Calkins	43,523
Patricia R. Coleman James	37,155	Terry Garnett	44,698
Carol M. Gruppi	37,341	Antoinette F. Konski	34,202
David W. Maher	40,077	Michael J. Shuster	41,310
William E. Thomson, Jr.	20,719	Michele Todd Wasmuth	43,239
Michael E. Woods	33,466		

all of the firm McCutchen Doyle Brown & Enersen LLP, Three Embarcadero Center, Suite 1800, San Francisco, CA 94111-4067, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Antoinette F. Konski
McCutchens Doyle Brown & Enersen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067
Facsimile: (650) 849-4800

Please direct all telephone communications to Antoinette F. Konski at (650) 849-4950.

NewBiotics, Inc.

Dated:

Oct. 26, 2001

By:

Raymond S. Poon

Name: Raymond S. Poon, Ph.D.
Title: Executive Vice President, Business
Development & Operations
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4011

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

I Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) NB 2016.00
First named inventor:	Ming Fai Chan	
Application No.:	09/847,525	Art Unit: 1624
Filed: May 1, 2001	Examiner:	Mark L. Berch
Title: Beta-Lactam Antibiotics (As Amended)		FAX RECEIVED JUL 28 2003 PETITIONS OFFICE
<p>Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, DC 20231</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity – fee \$650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity – fee \$* (37 CFR 1.17(m)).</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response to Office Action (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on January 17, 2003. <input checked="" type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$*.</p> <p><input type="checkbox"/> has been paid previously on *. <input checked="" type="checkbox"/> is enclosed herewith.</p>		

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Burden Hours Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA:52114424.1/2023898-2238967062

09/09/2003 03 LLEY 00000021 502518 09847525

PTO/SB/64 (10-01)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$* for a small entity or \$* for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.July 28 2003

Date

Antoinette F. Konski

Antoinette F. Konski (Reg. No. 34,202)

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Number: (650) 849-4950Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111

- Enclosures: Fee Payment
 Reply
 Terminal Disclaimer Form
 Additional sheets containing statements establishing unintentional delay and Request for copy of Office Action
 Other: Return Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.10(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below as first class mail in an envelope addressed to: Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

July 28, 2003

Date

Peggy Nichols

Peggy Nichols